

REMARKS

Claims 1-3 and 5-36 were previously pending in this application. Claims 37-41 have been added. Claims 1, 19, 20, 30 and 34 have been amended. Claim 35 has been canceled herein without prejudice or disclaimer. As a result claims 1-3, 5-34 and 36-41 are pending for examination with claims 1, 19, 20, 27 and 30 being independent claims. No new matter has been added.

Preliminary Matters

Firstly, claim 20 was amended to clarify the claimed subject matter by adding the word “and” such that the claim recites, *inter alia*, “an adjustment device including ... a first switch ... and a second locking mechanism”

Secondly, the definition of the term “recess” proffered in paragraph 3 of the Office Action is neither consistent with the specification nor the file history. For example, in the specification of the present application, at page 3, lines 14, the specification discloses that a fluid controller could be located within a recess in the wall of the bladder. Accordingly, the term “recess” refers to an indent in the wall.

Therefore, the definition of “recess” proffered in the Office Action (i.e., “a hidden, secret or secluded place”) is inappropriate. An appropriate definition of the term “recess,” which is consistent with the specification of the present application, is “an indentation.” (See The American Heritage Dictionary, Third Edition.) The Applicant, acting as his own lexicographer, elects the definition of the term “recess” as “an indentation.”

Claim Objections

The Office Action objects to claim 1 because of informalities. Claim 1 has been amended such that the objection is moot. Accordingly, withdrawal of the objection to claims 1 is respectfully requested.

Rejections Under 35 U.S.C. §102Rejection of claims 1-3, 5-10, 19, and 29-36 under 35 U.S.C. 102(b)

The Office Action rejected claims 1-3, 5-10, 19, and 29-36 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,862,533, to Adams, III (referred to herein as Adams III). With respect to claim 1, the Office Action states that Adams III discloses a sleeping bag and an air mattress whereby the air mattress is an inflatable device comprising a substantially impermeable bladder 36. The Office Action alleges that the bladder 36 is hollow and provides a recess sized to accommodate at least a portion of a fluid controller by virtue of the fact that it is hollow and houses portions of a fluid controller that include a pump means with a motor.

As stated above, the Office Action proffers a dictionary definition of the term “recess” as “a hidden, secret or secluded place.” The Office Action states that FIG. 12 and FIG. 13 of Adams III disclose a fluid controller including a pump means 42 and an electrically powered motor means 142. The Office Action states that Adams III further discloses that the pump means with motor means 124 is substantially positioned within the mattress 36. The Applicant responds to these rejections as follows.

Adams III discloses an air mattress in combination with a sleeping bag 10. (Abstract.) Sleeping bag 10 consists of a bottom layer 12, an intermediate layer 14 secured together to form a pocket 16, therebetween. (Col. 1, lines 61-64.) An inflatable air mattress 20 is disposed within the pocket 16. (Col. 2, line 64 to col. 3, line 2.) Another intermediate layer 24 is connected to layer 14 to enclose a cushioning and insulation means 22. (Col. 3 lines 3-6.) Yet another intermediate layer 26 is connected to intermediate layer 24 to form another pocket 30, within which a user lies. (Col. 3, lines 4-6 and 15-16.)

Adams further discloses a pump 42, which intakes air through an air intake aperture 38 and into air mattress 36. In a first embodiment, illustrated in FIG. 7, the pump includes a bellows 108, which is located inside air mattress 36. In a second embodiment, illustrated in FIG. 13, a pump includes a motor 124, which is located inside air mattress 36.

Rejection of claim 1-3, 5-10, 29, and 34-36 under 35 U.S.C. 102(b)

Claim 1 has been amended to recite “[a] pump occupying a volume that would normally be occupied by the bladder and [the pump] being external to the bladder.” For example, the pump may be located in a recess of a wall of the bladder (claim 34) or positioned in a recess formed by a flange (claim 36). By contrast, the pump in Adams III is located entirely internal to the bladder. Accordingly, claim 1 patentably distinguishes over Adams III and withdrawal of this rejection with respect to claim 1 is respectfully.

Claims 2-3, 5-10, 29, and 34-36 depend from claim 1 and are patentable for at least the same reason.

Rejection of claim 19 under 35 U.S.C. 102(b)

With respect to claim 19, the Office Action states that Adams III is applied in the same manner as it was applied to claim 1, and further states that Adams III includes a fluid controller fixedly connected to bladder 36 and a pump 42 including a motor 124 which is embedded in the bladder 36.

Claim 19 has been amended to recite “[a] pump being at least partially positioned within the bladder ... the pump being accessible from the exterior of the bladder.” As stated above with reference to claim 1, the pump is located entirely internal to the bladder. Accordingly, the bladder is not accessible from the exterior of the bladder.

Therefore, claim 19 patentably distinguishes over Adams III and withdrawal of the rejection of claim 19 is respectfully requested.

Rejection of claims 30-33 under 35 U.S.C. 102(b)

With respect to claim 30, the Office Action applies Adams as it was applied to claim 1 above. In particular, as stated above, the Office Action states that FIG. 12 and FIG. 13 of Adams III disclose a fluid controller including a pump means 42 and an electrically powered motor means 142. Further, the Office Action states that Adams III discloses that the pump means with motor means 124 is substantially positioned within the mattress 36.

Claim 30 has been amended to recite “[a] fluid controller [that] is fixedly connected to the bladder such that the pump is located only partially within the bladder.” By contrast, the

pump disclosed in Adams III is entirely internal to a bladder. Accordingly, claim 30 patentably distinguishes over Adams III and withdrawal of this rejection with respect to claim 30 is respectfully requested.

Claims 31-33 depend from claim 30 and are patentable for at least the same reason.

Rejections Under 35 U.S.C. §103

I. Rejection of claim 11

The Office Action rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Adams III, as it was applied to claim 1 above, in view of Japanese Patent No. JP-05137809 to Nagashima (hereinafter Nagashima).

A. The Use of the Nagashima Reference is improper because Nagashima is Non-Analogous Art

Nagashima is directed to the field of portable fire pumps. The field of portable fire pumps is non-analogous art to inventions in the field of inflatable devices. The MPEP states, “In order to rely on a reference as a basis for rejection of an application’s inventions the reference must be in the field of the applicant’s endeavor, if not, then be reasonably pertinent to the particular problem with which the inventor is concerned.” (MPEP 2141.01(a) citing *In re Oetiker* (Fed. Cir. 1992).) Further, the MPEP states that “a reference is reasonably pertinent if ... it is one which, because of the matter with which it deals, logically would have commended itself to an inventor’s attention in considering his problem” (MPEP 2141.01(a) citing *In re Oetiker*.) In the present instance, portable fire pumps are clearly not in the field of the Applicant’s endeavor. Furthermore, a reference directed to portable fire pumps cannot be said to logically commend itself to the attention of an inventor in the field of inflatable devices. In fact, one would be hard pressed to come up with any commonality between the field of inflatable devices and the field of portable fire pumps. Accordingly, the combination of Adams III with Nagashima in improper and the rejection of claims based on this combination should be removed.

B. Claim 11 is patentable over the combination of Adams III and Nagashima

Nagashima does not cure the deficiencies of Adams III as were discussed above with reference to claim 1. Claim 11 depends from claim 1. Accordingly, claim 11 is patentable for at least the same reasons as claim 1, and withdrawal of this rejection is respectfully requested.

II. Rejection of claims 14-18

The Office Action rejected claims 14-18 under 35 U.S.C. §103(a) as being unpatentable over Adams III, as it was applied to claim 1 above, in view of U.S. Patent No. 5,903,941 to Shafer (hereinafter Shafer). Shafer discloses an air bed assembly having a control system including a pump. The pump is connected to a bladder via tubes such that the pump is located entirely outside of the bladder. As such, Schafer does not cure the deficiencies of Adams III as discussed above with reference to claim 1. Claims 14-18 depend from claim 1. Accordingly, claims 14-18 are patentable for at least the same reasons as claim 1, and withdrawal of this rejection is respectfully requested.

III. Rejection of claims 12-13

The Office Action rejected claims 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Adams in view of Nagashima and further in view of Shafer. Neither Nagashima nor Shafer cures the deficiencies of Adams III as discussed above with reference to claim 1. Claims 12-13 depend from claim 1. Accordingly, claims 12-13 are patentable for at least the same reasons as claim 1, and withdrawal of this rejection is respectfully requested.

IV. Rejection of claims 20-26

The Office Action rejected claims 20-26 under 35 U.S.C. §103(a) as being unpatentable over Adams in view of Nagashima and further in view of Schafer. Portions of paragraph 7 of the Office Action that are relevant to claim 20 state that Adams III discloses a sleeping bag, an air mattress, and a fluid controller with a switch 130 that can be adjusted between an ON and an OFF positions. However, the Office Action acknowledges that Adams III fails to disclose an adjustable switch having a locking mechanism, as recited in claim 20, and that Adams III fails to disclose a source of pressurized air. The Applicant understands the Office Action, by stating that

“Adams III fails to disclose a source of pressurized air,” to mean that Adams III fails to disclose or teach a source that is, both, “in fluid communication with a bladder through a valve and comprising a first locking mechanism,” and comprises “an adjustment device including a first switch mechanically connected to the valve and a second locking mechanism sized and adapted to mate with the first locking mechanism.”

The Office Action states that Nagashima discloses an adjustment device or a remote control device with a control switch A that can be mated to a pump body B through a locking mechanism. The Office Action also states that Shafer discloses an airbed with an air control system comprising an electrically powered pump, comprising tubes 166, 168 for insertion into inlets 170, 172 of bladders 30. The Office Action further states that Shafer discloses an adjustment device 42 including switches 106, 108 and 110 electrically connected to a pump 152 and valves 338, 340, which communicate to the fluid controller whether to inflate or deflate the bladders. The Office Action states that movement of the switch causes actuation of a stem connected to valves 338, 340 and withdraws a solenoid, thereby placing the valves in an open or closed position.

The Applicant understands the Office Action to conclude that it would have been obvious to one of ordinary skill in the art to provide first and second locking mechanisms to mate the adjustment switch device of Adams III to a portion of Adams’s fluid controller because it is common to provide a detachable means of attaching an adjustment device, as taught by Nagashima. Further, the Office Action concludes that it would have been obvious to one of ordinary skill in the art that such an adjustment device may be a control switch of a fluid controller, as taught by Nagashima, because it allows one to quickly and easily locate the adjustment device when necessary.

Yet further, the Office Action concludes that it would have been obvious to one of ordinary skill in the art to apply the electrical pump, tube and fittings of Shafer to the inflation device of Adams III because the features provided by Shafer provide more control of the fluid used to fill the air mattress.

A. The Combination of Adams III, Nagashima and Shafer in the manner suggested by the Office Action is improper

i. The Use of the Nagashima Reference is improper because Nagashima is Non-Analogous Art

As discussed above with reference to claim 11, Nagashima is directed to the field of portable fire pumps and is non-analogous art. Accordingly, the combination of Adams III with Nagashima is improper and the rejections of claims based on this combination should be removed.

ii. The Combination of Adams III, Nagashima and Shafer References is improper because there is no Motivation to Combine the References in the manner suggested by the Office Action

Firstly, there is nothing in the art of record that teaches or suggests that a pump, as taught Adams III, should be modified to form “a pump in fluid communication with a bladder ... and comprising a first locking mechanism,” nor to form “an adjustment device including a first switch connected to [a] valve [,through which fluid communication between the pump and an impermeable occurs,] and adapted to mechanically actuate the valve and a second locking mechanism sized and adapted to mate with the first locking mechanism,” as recited in amended claim 20. Accordingly, a combination of Adams III, Nagashima and Shafer, in the manner suggested in the Office Action, is improper and the rejection of claims based on this combination should be removed.

Secondly, there is nothing in the art of record that teaches or suggests that any of the pumps disclosed in Adams III (see the embodiments in FIG. 7, FIG. 13 of Adams III) should be modified to be in fluid communication with bladder through a valve. Further, it is not apparent how or why any of the embodiments disclosed by Adams III would be so modified, because the pumps in Adams III are located entirely with a bladder. Accordingly, modification of the pumps disclosed in Adams III, in the manner suggested by the Office Action is improper and withdrawal of this rejection is respectfully requested.

B. Claim 20-26 is patentable over the combination of Adams III, Nagashima, and Shafer

Even assuming that the combination of Adams III, Nagashima, and Shafer is appropriate, which it is not, amended claim 20 is patentable over the combination. Claim 20 recites “an adjustment device including a first switch connected to [a] valve and adapted to mechanically actuate the valve.” None of the art of record recites a switch that is connected to a valve and adapted to mechanically actuate the valve. Further, as stated above, it is not apparent how or why any of the embodiments disclosed by Adams III would be so modified, given that the pumps in Adams III are located entirely with a bladder. Accordingly, claim 20 patentably distinguishes over the combination of Adams III, Nagashima, and Shafer the rejection of claim 20 should be withdrawn.

Claims 21-26 depend from claim 20 and are patentable for at least the same reason as claim 20.

Allowable Subject Matter

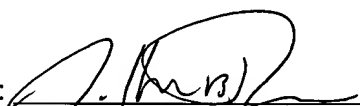
The Applicant acknowledges that claims 27 and 28 have been indicated as allowed.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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